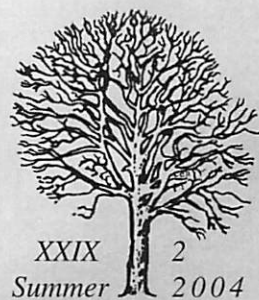


ACORN

The Journal of The Architectural Conservancy of Ontario





ACORN

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Cover: Castle Kilbride, Baden, a national historic site and one of many cultural heritage
attractions in the Grand River watershed (see article by Jean Haalboom on page 13).

Photo: Photo courtesy the Grand River Conservation Authority.

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From the Editor

Dan Schneider



Well, the BIG news this issue (this year? this decade?) has to be Bill 60, the province's proposed amendments to the Ontario Heritage Act. These long overdue changes include pretty much all the major reforms to our heritage protection laws that the heritage community has been seeking for years.

Foremost among these of course is the power to be able to stop, not just delay, the demolition of designated heritage buildings. This would give Ontario the famous "binding law," to use a favourite expression of preservation guru Anthony Tung, without which real progress toward a "culture of conservation" – another of Mr. Tung's terms – is not possible.

On a personal note, many of you will know of my very long and close involvement – through much of my working career! – in the review of the Ontario Heritage Act. Many will share in the excitement and gratification I feel at the prospect of the realization of these reforms.

Through the First and Second Reading debate on Bill 60, it has been wonderful for anyone interested in heritage conservation in this province to witness our parliamentarians engage in a serious (and at times not so serious) discussion of heritage in Ontario. It is immensely encouraging to see MPPs of all political stripes pay tribute to the importance of conserving and celebrating our heritage resources.

When the House rose for the summer recess Second Reading debate had not yet been completed. It will continue sometime this fall (the House is scheduled to come back October 12) and the bill will likely be referred to a legislative committee for detailed discussion and public hearings. Given the interest expressed by all three parties in moving forward with changes to the Act, one might predict its passage before the end of the year.

The challenge once these long-awaited reforms finally take effect will be to take full advantage of their potential to usher in a new era for heritage in Ontario, one where the "culture of con-

servation" really takes hold at all levels of our society. We all have a great task at hand!

President's Message

Scott Valens



It seems to me, that as the ACO begins its 72nd year, we have fresh opportunities. New amendments to the Ontario Heritage Act (Bill 60) have been brought forward, with the bill receiving First Reading in the Legislature.

In addition, the cooperative spirit that the joint conference in Hamilton heralded between the ACO and Community Heritage Ontario (CHO) has begun to meld our two heritage organizations into a collective force.

On the heels of the joint ACO/CHO conference, I don't think we can praise enough the extraordinary effort of the Hamilton Region Branch of the ACO in bringing together two like-minded but independent organizations to achieve such a seamless success. Congratulations!

Ten years ago while I was at Heritage Cambridge, we discussed the impact that the European education system had on the general populace there. Architecture is valued in their society. It starts in grade school with courses in architectural history, and continues well into high school. Is it any wonder then that tourists from Europe are aghast to discover that the vast majority of North Americans have such a lack of interest in the architectural history of their cities?

Architecture tells a story of who we are as a culture. It tells a story of history. It unifies our diverse cultures. Public condemnation of demolition of the architectural fabric is almost non-existent on a political scale here. If appreciation of architecture was prevalent in society, political will would make it terribly unpopular for new development not to consider carefully the conservation and adaptive re-use options available to heritage buildings.

Alarming, our education system in Ontario is letting our students down and our students don't even know it. The issue is two-fold: in the gradual elimination of cultural based cur-

riculum at the primary level, and in the reckless deterioration of aging school buildings to the point of demolition and replacement. The deterioration spawns from school board funding policies that favour new school construction over adaptive reuse and preservation (maintenance) funding. What better teaching tool of architecture in our society than for students to see conservation and adaptive re-use in action in the schools themselves.

The ACO has recently passed a motion along with the CHO to work with the Ministry of Culture to approach the Ministry of Education with proposed policies that will favour adaptive re-use and conservation through a "Heritage First" policy. In her audit, Sheila Fraser, the Auditor General of Canada, cited lack of maintenance and stewardship for federal government-owned buildings as a major embarrassment to Canada, and pointed out that, if actions were not taken soon, many public heritage facilities would be beyond repair. If the poor condition of federal buildings are any indication of public sector real estate, it should come as no surprise that schools in Ontario are in grave need of attention.

Curriculum change is also a major issue to tackle. If architectural education started early, as it does in Europe, generations of young citizens would have the knowledge base to realize the importance of conservation and the desire to voice their concerns publicly. Gradually, as more and more generations learn about what makes cities and our environment a living cultural history, perhaps there will be the political will to change the direction development is taking. Not that new development is not desired – we live in an ever changing and growing world. Development could, however, be significantly more creative, sensitive, and respectful of its environment.

Advocating for Adaptive Reuse: Successful First Joint Conference of the ACO and Community Heritage Ontario

Ann Gillespie

The joint conference which took place in Hamilton on the weekend of May 14-16, 2004 marked a first-time event for the Architectural Conservancy of Ontario and Community Heritage Ontario, the umbrella organization of the many municipal heritage committees serving councils throughout the province.

An organizing committee formed in the summer of 2003 by the ACO Hamilton Region Branch and the Hamilton LACAC (Municipal Heritage Committee) worked hard in the ensuing months to develop a first rate conference program around the theme "Advocating for Adaptive Reuse: Creating a Culture that Values our Heritage Buildings, Neighbourhoods and Landscapes." The committee's vision of attracting a world renowned keynote speaker to address this theme resulted, with the assistance of the ACO Branch's partner, the Art Gallery of Hamilton, in the invitation of New York based urbanist and author Dr. Anthony Tung to deliver a free public lecture to launch the conference.

The Scottish Rite Club at the southwest corner of King and Queen streets (near Hess Village in downtown Hamilton) served as the workshop/conference venue for Friday afternoon/evening and the Sunday morning session. The original house, an impressive Richardson-inspired red stone building with a crenellated square corner tower, was designed by the noted Hamilton architect James Balfour for tobacco magnate George Thomas Tuckett, whose father founded the successful Tuckett Tobacco Co.

Completed in 1894, the house remained in the Tuckett family until George's death in 1913, and was purchased by the Scottish Rite Masons in 1920. The original house was subsequently restored and a large theatre/assembly hall known as the Cathedral was added in 1922-23. Thanks to the foresight of the Scottish Masons, this mansion did not meet the fate of the wrecker's ball like many others in the city. It stands today as an early and excellent Hamilton example of adaptive reuse, a most appropriate venue for a conference on that theme.

Friday, May 14

The pre-conference workshop hosted by the Ontario Ministry of Culture and geared primarily to Municipal Heritage Committee members took place in various rooms of the house itself, which graciously accommodated the more than 80 persons who attended. This informative session on writing "Reason for Designation" statements was coordinated by Heather Thomson, Municipal Heritage Committee Advisor.

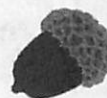
The evening event featuring Dr. Anthony Tung, attended by about 300 persons, took place in the lofty assembly space of the Cathedral which holds up to 500. It began with



****ACORN Deadline****

Fall 2004 Issue (includes branch reports) - October 1

Contributors - please mark your calendars now!



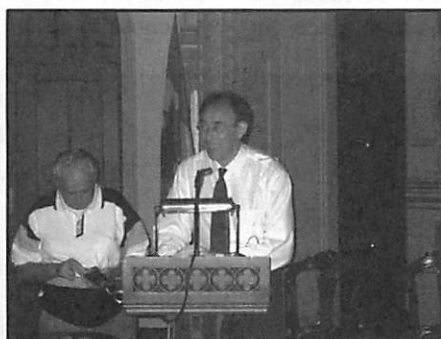
a welcome by MC Ken Coit who thanked the organizing committee, the Art Gallery of Hamilton (partner) and other sponsors, and introduced Ward 10 Councilor Maria Pearson, who brought greetings on behalf of Mayor Di Ianni of the City of Hamilton. Louise Dompierre, AGH President, also spoke briefly.



Heritage Community Recognition awards presentation. From left to right: recipient Robert Wray, the Honourable Lincoln Alexander, Hamilton City Councillor Pearson, Culture Minister Madeleine Meilleur, Diane Dent, and recipient Ken Coit.

Photo: Robin McKee

The Ontario Minister of Culture Madeleine Meilleur was then introduced. Minister Meilleur was given a standing ovation for her efforts to bring forward Bill 60, the proposed amendments to the Ontario Heritage Act. Next, the Ontario Heritage Foundation's Heritage Community Recognition awards were presented to Hamilton residents Robert Wray and Ken Coit, who were recognized for their significant contributions to heritage preservation in the local community. The awards presentation was made by The Honourable Lincoln Alexander, a native Hamiltonian, assisted by Minister Meilleur, Councillor Pearson and Dr. Diane Dent, Chair of the Hamilton LACAC (Municipal Heritage Committee).



Anthony M. Tung addressing the audience in the Scottish Rite Cathedral on Friday evening.

Photo: Robin McKee

On to the highlight of the evening: the slide presentation by Dr. Anthony M. Tung based on his critically acclaimed book *Preserving the World's Great Cities, The Destruction and Renewal of the Historic Metropolis*, published in 2001. Drawing on his 10 years experience (1978-88) as a New York City Landmarks Preservation Commissioner and first-hand knowledge gained from visits to urban centres across the globe, Mr. Tung's book offers an in-depth, insightful analysis of the successes and failures of the preservation movement in the "world's great cities."

In a stimulating slide presentation, Mr. Tung encapsulated in a fascinating series of images and anecdotes the conclusions drawn from his exhaustive global research. He left the audience with a strong clear message: the broad-based success of grass-roots preservation initiatives is largely dependent on binding legislation that will allow municipalities to permanently protect individual buildings, streetscapes and districts identified as having special cultural heritage significance and prevent loss by willful neglect. He cited as a preservation success story the once dilapidated Soho District in New York City, now a cultural mecca noted for its restored ornamental cast-iron facades.

His comments on the state of Hamilton's downtown core? After being escorted on a one-hour tour the previous day by host Nina Chapple (former head Architectural Historian/ Heritage Planner for the pre-amalgamated city), he was quoted in the *Hamilton Spectator* as saying optimistically that he was trained to look at a building and see its potential if restored and that while the urban vitality of the core had been lost there were "enough good positive pieces here" [such as the 1879 Treble Hall, all on John Street South] for it to be reclaimed. He was even hopeful about the long-neglected vacant 1923 Lister

Conference Resolutions

The following general resolutions be endorsed by the joint ACO/CHO Conference, May 14-15, 2004:

As heritage advocates we need to understand the relationships between our heritage buildings and other community planning issues. Preserving heritage is an important aspect of community planning, particularly with regard to our sense of place and community identity, and so must be considered as a critical part of the larger planning process.

To assist in ensuring that heritage buildings, can be adapted and re-used to remain a living part of our communities, we need improvements in the following areas:

1. Strong Law:

The conference commends the Minister of Culture, Madame Madeleine Meilleur, and the Government of Ontario for their efforts in providing stronger legal tools to municipalities to preserve our built heritage, in particular the provisions for stopping demolition.

2. Economic Incentives:

The conference requests government at all levels to work together to ensure that there are adequate financial incentives provided to assist with the costs of stewardship of the heritage fabric.

3. Supportive government policy:

Governments to adopt 'heritage first' policies to ensure the preservation and re-use of our heritage building stock and to avoid policies which conflict with the preservation of heritage buildings.

4. Building a positive attitude:

Governments to support public education programs such as Doors Open that build appreciation for heritage properties, and support the grassroots efforts in local communities to preserve and restore their environments.

Block, with its fine glazed terra cotta ornamentation (now in a seriously deteriorated state).

The evening ended on a high note with a reception for conference delegates in the gallery of the Round Room.

Saturday, May 15

The venue for the main conference itself and the evening banquet on Saturday was the original 1916 Royal Connaught Hotel, located at the east end of Gore Park in the city's historic center. All events took place in the main banqueting hall on the second floor with a Heritage Marketplace for displays and book/poster sales set up in the adjacent anteroom.

In their opening remarks, the respective presidents of the ACO and CHO, **Chris**

Borgal, Urban Designers, Toronto, spoke on the development of plans for downtown areas, capitalizing on their neighbourhoods and core assets and making them "authentic urban places" where people want to live. He emphasized the importance of adaptive re-use in attracting people to live in downtown cores, observing the new trend for seniors and young professionals to move into old factories and schools converted to loft condominiums. He applauded Hamilton's initiative to start turning one-way through streets into two-way pedestrian-friendly streets, citing the example of James Street North where this historic neighbourhood retail and restaurant district had been reinvigorated by the two-way conversion. Other successful examples of the regeneration of historic commercial districts in other cities include Ottawa's Bytown Market and Montreal's Place d'Youville.

Ron Marini, Director of Hamilton's Downtown Renewal Division, spoke on the initiatives taken by his office to implement the long-term goal of recreating the sense of an "authentic urban place" in Hamilton's downtown, which like many downtown cores has suffered from the large-scale urban renewal of the 1960s and 1970s. He emphasized the multi-faceted nature of revitalization. The new Downtown Secondary Plan calls for more residential areas in the core, more two-way streets, public space improvements, and better connections between the downtown, waterfront and the escarpment. Incentive programs provid-

ing tax rebates, low-interest loans, and grants have been introduced to encourage the preservation and adaptive re-use of historic buildings, such as the 1929 Bank of Montreal building at the southwest corner

of Main and James, which will soon be converted to lawyers' offices; and the conversion of redundant office buildings to residential use, like the former Bell Canada high-rise office building opposite City Hall, which was recently converted to condominium apartments (a great success with all units sold out in weeks). Experience has demonstrated that these incentive programs lower the risk exposure to lending institutions, thereby making such projects financially viable.

Mitchell Fasken, President Kimshaw Holdings and **Terry Boutilier**, City of Kitchener, spoke about the successful strategy adopted by the City to encourage the adaptive re-use of the former vacant Kaufman Footwear factory, built in four phases between 1908 and 1925. Recognizing the need for flexibility, staff/council chose to designate the building under

the Ontario Heritage Act (1996), but made the by-law restrictions very clear with only key frontages and the corner entrance specifically identified as significant heritage features. The building was "pre-planned" to allow a variety of uses and additional incentives, such as the waiving of parkland/development charges and rebate



The Junction Café, corner of King William Street and Ferguson Avenue. Before restoration in 2001.

Photos courtesy City of Hamilton.



The Junction Café, corner of King William Street and Ferguson Avenue. After restoration in 2001.

Photos courtesy City of Hamilton.

Continues in page 15

George Dark, Principal of Urban Strate-

PreservationWorks! Report

Proposed Designation of the Ajax Civic Centre

Nicholas A. Holman

1.0 Introduction

This report was prepared in July 2003 for the Municipality of Ajax Ontario, under the auspices of the Architectural Conservancy of Ontario (ACO) PreservationWorks! service. The report was initiated at the request of Gordon Zimmerman (formerly O.A.A.), and written by Nicholas Holman, O.A.Q. Thanks are given to Gordon Zimmerman himself, who provided much background information and kept the author from digressing excessively, to Brenda Kriz, Records Manager of the Town of Ajax, and to Phillip H. Carter, O.A.A. of the ACO, for their generous assistance.

2.0 The Historical Context

2.1 The Town of Ajax – incorporation, planning, development

The history of the Town of Ajax is associated above all with military endeavours and the Second World War. The Town was founded on 2846 acres allocated from the adjacent Town of Pickering in 1940. The purpose of severing this land was to establish an extensive munitions plant in the area south of Highway 401, a plant known as D.I.L. (Defence Industries Limited). This enormous plant manufactured over 40 million shells between 1941 and 1945, and employed over 9000 people during peak production.

During the war a spy camp known as Camp X was also established on land to the east, adjacent to the lake, at the boundary between Whitby and Oshawa. After the war the extensive buildings of both factory and camp were used, first as a satellite campus of the Faculty of Engineering (which included the School of Architecture) of the University of Toronto, and later as a settlement camp for Displaced Persons from Europe. This latter use continued until 1953.

The current name of Ajax was adopted in 1950, when the area was made an Improvement District under provincial legislation. The layout of the town was planned in 1948 and follows models typical of that time, of which well-known examples are Chatham Village in Pittsburg and Baldwin Hills in Los Angeles. Just as the name Ajax comes from that of a British Navy Cruiser (the name being originally derived from that of a Greek warrior in the Trojan Wars), similarly the names of the town streets are taken from the names of the crew of that ship, a practice which continues to this day. It was the Ajax, together with sister ships the Achilles and Exeter, which defeated the German pocket battleship "Graf Spee" in December 1939.

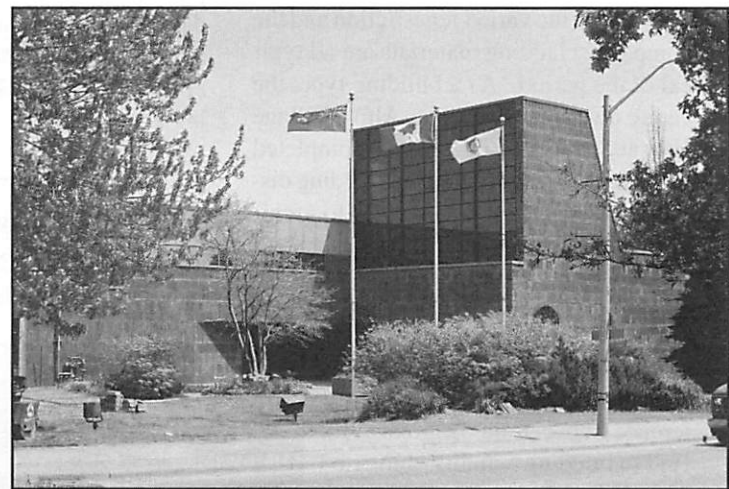
Since incorporation the Town has expanded in a similar fashion within and beyond the original grid plan, and the population has increased from a modest 5,124 inhabitants to the current 70,000 or so citizens.

2.2 Ajax, and Canada, in 1967

The group of civic buildings on Harwood Avenue was to comprise from the outset the Town Hall (with integral police station and fire department), the attached Library and the adjacent Post Office. This ambitious group of buildings, particularly so given the smallness and newness of the community, was funded partially as a make-work project to reduce unemployment within the area. It does not appear that that construction was funded under a Federal Government initiative known as the Centennial Grant Programme, which involved matching grants from each of the three levels of government for projects

commemorating Canada's Centennial year. While the centre opened in 1967, this appears to have been coincidental.

An important social aspect of the complex is that the design commissioning process illustrates a fundamental aspect of the multicultural Canadian society in the mid-sixties. The Town of Ajax, as described, has its roots entirely within the Canadian war effort, and soon thereafter became a place for accommodating persons displaced by the war. The fact that the Civic Centre was designed by a German-born and German-trained architect, who two decades earlier was in the German Navy and thus would have been specifically an arch-enemy of the HMS Ajax and her crew, provides a positive indication of the nature of Canadian society at the time. The contract was awarded by Mayor Harry Smith, who had worked for the former director of Camp X (i.e. Benjamin deForest (Pat) Bayly, the first mayor of Ajax) and who had been also connected to D.I.L.



Ajax Civic Centre, seen from Harwood Avenue.

Photo: Nicholas Holman

The two separate buildings of civic centre and post office were designed by the Toronto-based Craig, Zeidler and Strong Architects, with the designer and partner in charge being Eberhard Zeidler. The actual selection process is not known, though the firm was also the architects for the nearby Pickering Town Hall, with Zeidler again the principal in charge. The centre was officially opened on June 24, 1967 while the adjacent Post Office, designed

concurrently, was constructed very shortly thereafter, in 1968. The library has since been extended further to the south, in a style similar to the original but using a different cladding module and material.

Both buildings have integral, abstract exterior (and interior) sculptures by the Canadian sculptor Bruce Watson. These comprise the bronze fountains in the main courtyard, the large and small wrought iron screens at the library garden courtyard and possibly also the anchor in front of the post office. There is also a mural sculpture in the Council Chambers by the same artist. Landscape design was by Craig, Zeidler and Strong.

2.3 Architecture – Modernism in the sixties, the precedent

The Ajax Civic Centre is an outstanding example of Modernist architecture of the mid-sixties. The distinctive massing and towers, the open exterior circulation, the varied fenestration and the composite cladding materials are all typical of the period. As a building type, the centre owes much to Alvar Alto's Village Hall at Säynätsälo in Finland, completed in 1950. This unprecedented building displayed various new approaches to architecture of the time, and was in fact a reaction against mainstream Modern architecture of the earlier twentieth century.

We should note also the extreme difference between the original Ajax Hall (a building actually converted from former D.I.L. use) built some 20 years earlier. The effect of the distinctive new presence on this site may be judged in the *Globe and Mail* headline of April 5, 1967: "Ajax proud, but startled by new hall." The building was a finalist in the Massey Medal Competition held in of May of that same year.

2.4 The Architect – Eberhard Zeidler

To provide a detailed resume of Eberhard Zeidler's work would increase the length of this report exponentially. Eberhard Zeidler was trained at the

Bauhaus prior to emigrating to Ontario, where he is well-known as the designer of Toronto's Eaton Centre and Ontario Place. He has executed projects throughout Canada and also has an office in the UK and in Germany. Gordon Zimmerman,



The courtyard, seen from the east.

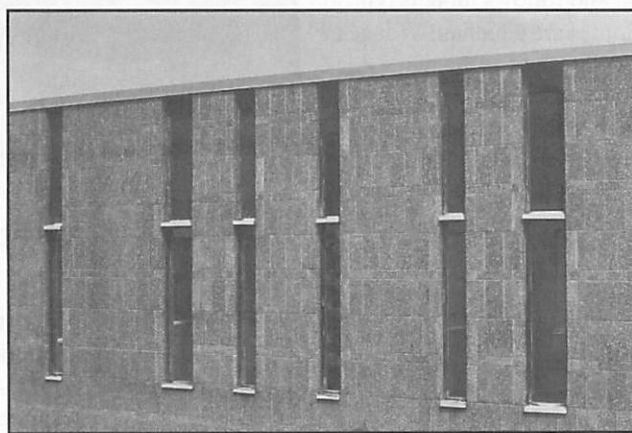
Photo: Nicholas Holman

who assisted in the preparation of this report, remembers Zeidler from his early days as a teaching assistant at the University of Toronto as "one marked for greatness, who certainly knew what he was talking about."

3.0 The Building – exterior

3.1 Siting and Programme

The Ajax Civic Centre is a Modernist building complex dating from the mid-six-



Windows at north side of courtyard, upper level.

Photo: Nicholas Holman

ties, set towards the northern edge of the Town of Ajax. The centre is located at 65 Harwood Avenue South, on the east side of the boulevard with broad, planted me-

dian, and just south of the sunken railway corridor and adjacent highway 401. The property extends to King's Crescent, which runs east off Harwood Avenue to the south. At the time of construction, there was no building to the north (where the 2001 library is located) and thus the centre was visible for some distance on all sides. Older buildings on the site (part of the former D.I.L. complex) were demolished shortly after the centre opened.

The Civic Centre originally comprised Municipal Offices and Council Chamber, Police Station and cells, Fire Department and Central Library. A Post Office, also by Craig, Zeidler and Strong, was intended as part of the original complex and was constructed in 1968 to the southeast, using similar materials and in a similar language, although with a distinc-

tively different curved wall along the west elevation and without the bandcourses found in the main building.

The parking lot was from the outset located behind (to the east of) the centre, and also behind (north of) the Post Office, reached by a drive between the two buildings. The current parking lot is believed to be larger than the original, with some resulting grade changes along the east side of the centre, causing the east screen wall to be more elevated above grade than originally, with now-exposed foundation below. The west masonry screen wall was demolished at the time of construction of the new library to the north.

The concrete war memorial on the landscaped lawn at the southwest corner of the property is contemporary with the original centre. The library has since been extended to the south at the same height and width as the original volume, and clad in a material similar to, but different from, the original masonry blocks used elsewhere.

3.2 Parti – Massing and Circulation

The Ajax Civic Centre is a striking, abstract presence clad in an unusual, textured,

dark-green concrete block. The building, conceived as abstract sculpture-in-the-round, has a distinctive appearance when seen from any angle, but particularly at the principal elevation along Harwood Avenue South.

The centre comprises primarily a two-storey block composed of various flat-roofed volumes dominated by a taller tower immediately right of the main entrance path. This tower rises directly from the west wall, and houses an enormous, north-facing window above the path, which lights the Council Chambers within. At the south side thereof, the roof is pitched and shingled. This tower is echoed by another, similar tower with small, upper window to the southeast, and both are balanced by a third, similar volume set at the northeast corner of the building, this being most prominent to the visitor coming from the parking lot. Noticeable in the exterior elevations is the almost total absence of windows at ground-floor level, whereas there are many strip windows above.

The parti centers on an asymmetrical, two-storey courtyard, open to both east and west sides, which affords passage through the building and also contains the original entrances to municipal offices, police station and library. Looking either from Harwood Avenue or from the raised terrace adjacent the parking lot, one may see through to the other side. Within this courtyard is the original abstract bronze fountain by Bruce Watson, set within a slightly sunken concrete well.

A third, ground level aperture is located within the south wall of the court, behind a (relocated) wrought iron screen, also designed by Watson. (This screen was originally in bare metal but is now painted black.) Beyond this screen is an additional, small garden courtyard, accessible as a reading garden by means of a large, west-facing window in the library, and open to the sky at the south end. A small, wrought iron gate (again by Watson) affords access to this walled garden at the west side.

Within the courtyard, there is considerable glazing at and adjacent the various entrances to the building, but fenestration is much greater at the upper level. Here there are full-length strip windows along the

At Last! Province Proposes Major Changes to the Ontario Heritage Act

On June 14 the provincial government moved second reading of Bill 60, *An Act to amend the Ontario Heritage Act*. The bill was introduced in the Legislature by Culture Minister Madeleine Meilleur on April 21, 2004.

"Since this government introduced the amended heritage act, we have seen a groundswell of public support across the province," said Minister Meilleur. "People from all over Ontario are saying how important the proposed legislation would be in safeguarding Ontario's valuable heritage resources."

For the first time since the *Ontario Heritage Act* was introduced in 1975, the government is proposing comprehensive amendments to bring Ontario's heritage legislation in line with leading jurisdictions in Canada and around the world.

If passed, the proposed amendments to the *Ontario Heritage Act* would:

- Give the province and municipalities new powers not to delay but to stop demolition of heritage sites. Enhanced demolition controls would be balanced with an appeals process to respect the rights of property owners.
- Enable the province to identify and designate sites of provincial heritage significance.
- Provide clear standards and guidelines for the preservation of Provincially owned heritage properties.
- Enhance protection of heritage conservation districts, marine heritage sites and archaeological resources.

"We are extremely pleased that the government is moving forward so quickly to improve the *Ontario Heritage Act*," said the Chair of the Niagara Region Association of Municipal Heritage Committees. "The existing act is weak and outdated. The proposed amendments would strengthen our hands at the grass roots, where we work to save Ontario's heritage...built, cultural and natural."

Second Reading debate on the bill is expected to continue this fall. The bill will likely then be referred to a standing committee of the Legislature for further consideration, including public hearings.

Bill 60 can be found on-line at:
http://www.ontla.on.ca/documents/Bills/38_Parliament/Session1/b060.pdf

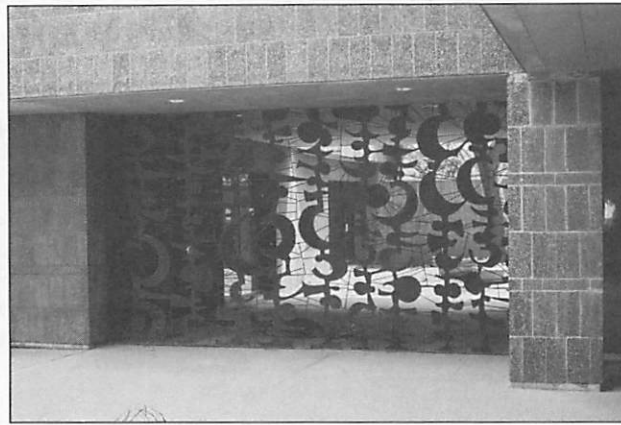
The First and Second Reading debates on the bill can be found in Hansard (<http://www.ontla.on.ca/hansard>) for April 21, June 14 and June 24, 2004.

south and west sides, large windows at the edges of the east side and an intriguing variety of clustered, tall narrow windows along the north side.

3.3 Building Materials – cladding, paving, windows and roofing

The Civic Centre is most distinctive for its slate-green, textured masonry exterior. This exterior finish is achieved through the use of concrete blocks having a surface veneer some 3/8" thick of fragments of stone, primarily a dark green slate as well as fragments of grey granite. The blocks form a 8" x 16" module, measured to the centre of the joints which are between .25" and .375". The cladding blocks are vertically oriented throughout and are stacked in double soldier courses with staggered joints, separated by bandcourses 4" high. These bandcourses are composed of narrower blocks of the same material, each also 16" long. This variation in the bonding pattern, combined with the variation in colour and texture both between the

blocks and within each block, produce an attractive and unusual surface appearance. The Post Office is clad in a similar material, but in staggered soldier courses throughout, and without bandcourses.



Iron screen enclosing south side of courtyard.

Photo: Nicholas Holman

Within the original building, the only variation to this masonry cladding material exists at the upper wall of the upper floor, at east and west elevations. Here there is

a continuous, tall band of anodized aluminum panels set above the strip windows. The addition to the library has a site-applied stone aggregate different from the original in colour, texture and module:

the wall surface is articulated into large, horizontal panels 36" high with joints corresponding in height to the upper bandcourse joints within the original building.

Paving surfaces are concrete throughout, with various, rectangular slabs having typically continuous joints in the north-south direction and staggered joints in the east-west direction, in the manner of traditional stone pavers. This orientation in the joints is reflected also in the cementitious panels, which clad the underside of the second floor around the courtyard. More recent steps exist adjacent the parking lot, where the base of the east screen wall is now plainly exposed.

Windows are framed in standard extruded aluminum frames throughout, with origi-

The Heritage Canada Foundation's 2004 Annual Conference

Stewardship of Heritage Buildings: Are We Committed?

Saint John, New Brunswick – September 9 – 11, 2004

The Heritage Canada Foundation is pleased to extend a welcome invitation to its upcoming 2004 conference at the Saint John Trade and Convention Centre.

We are excited to welcome Dr. Anthony Tung, author of *Preserving the World's Great Cities* and former New York City Landmarks Preservation Commissioner, as our keynote speaker.

In addition to our sessions dealing with such crucial issues as legislation and regulation of heritage properties, policies and programs designed to support heritage conservation, and the insurance of heritage buildings, the conference is offering a series of technical sessions focusing on preserving the heritage character of commercial buildings, repointing and maintaining masonry, preparing conservation plans for heritage buildings, and more.

As well as the celebrated Heritage Canada Awards Ceremony and reception with The Honourable Herménégilde Chiasson, Lieutenant Governor of New Brunswick, the program includes a selection of five fascinating tours through the streets of Saint John as well as the option of dining in privately owned historic homes throughout the city.

This year's theme is certain to spark lively discussion about the many factors that will continue to move heritage conservation forward into the 21st century.

For additional information on the conference program and early registration opportunities please visit www.heritagecanada.org or contact Carolyn Quinn, Director of Communications, Heritage Canada Foundation, at 613-237-1066 or cquinn@heritagecanada.org

nal, single glazing remaining in many areas, and double-glazing existing in others. The reflective film used everywhere except at the large window to the Council Chambers is assumed to be a later alteration. This intensifies the reflective quality of the windows within the courtyard to increase the presence of the masonry cladding, but elsewhere the reflections seem to detract somewhat from the original glazing intent. The Chamber windows are framed in an asymmetrical fashion, with robust mullions running full height, and smaller transoms between containing bands of alternating, rectangular horizontal and square panes.

The roofing material of the flat roofs is invisible throughout, and the only visible roofing material is a grey asphalt shingle assumed to replicate the original shingles. Deep flashings throughout are in pre-painted aluminum.

3.4 Landscaping, ramps and railings

The landscaping appears to be the original concept of Craig, Zeidler and Strong, except at the south elevation of the library extension, which is assumed to be contemporary with that addition. The trees have grown up considerably since planting, to the extent that at the southwest corner of the main volume, the two towers are effectively concealed.

The evergreen tree within the courtyard apparently replaces an original white birch, the present tree blocking the view through the yard more than its predecessor would have done. The small concrete planters also do not appear original to the concept.

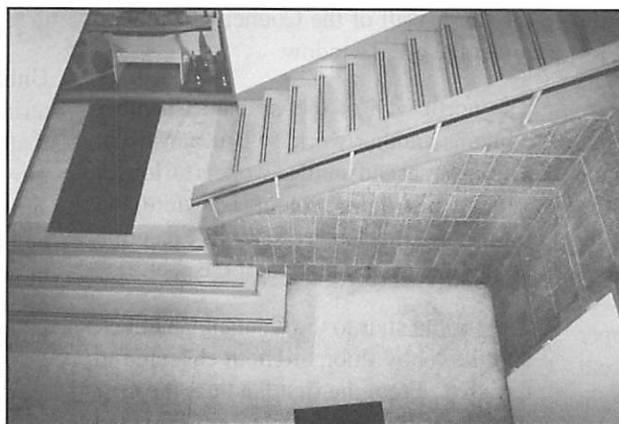
The ramp at the northeast corner of the site, adjacent the parking lot, is a later addition, with narrow, painted HSS railing which is out of keeping with the quality of the original construction. A similarly incongruous railing exists at the small recess on the east side which articulates the library addition relative to the original library.

3.5 Alterations and Condition

As noted in the foregoing sections, there are a number of alterations to the original

building. These may be summarized as follows:

expansion of library, with different cladding, to south



Stair to Council Chambers.

Photo: Nicholas Holman

- regrading and ramp adjacent to east screen wall
- removal of northwest screen wall and building of adjacent library
- relocation (northwards) of wrought iron screen east of library
- installation of glazing film on windows
- screening over of access doors to police station (at west wall)

In addition, there are various alterations and intrusions within the courtyard. These include the evergreen tree and concrete planters, a wall-mounted telephone, and a bin assumed to contain de-icing salts.

The condition of the exterior fabric is generally excellent. There are areas where the slate-clad concrete blocks are failing, but these are relatively few, primarily at low level and at the tops of the piers in the courtyard. There are also places where the cementitious boards under the second floor are sagging. The concrete paving at the east terrace is badly cracked and heaving.

3.6 Exterior Summary

Aside from the library addition to the south and the removal of the screen wall at the north end of the west elevation, the Ajax Civic Centre remains essentially as originally built, and in good repair. The building is an impressive period-piece, an Ontario example of a building type which originated in Finland with Alto's Säynätsälo Village Hall some twenty years earlier.

4.0 The Building – interior

4.1 Parti – Interior Circulation

The internal parti of the centre is much as would be expected based on the external parti: ground-floor spaces are split between south and north sides, and there is an internal, cloister-type corridor around the courtyard at the upper level only.

At ground-floor level, the library and Council Chambers are accessed from doors within the south wall of the courtyard, doors set respectively to the east and west of the wrought iron screen enclosing the small reading garden adjacent the li-

The objectives of the ACO's PreservationWorks! service state, in part:

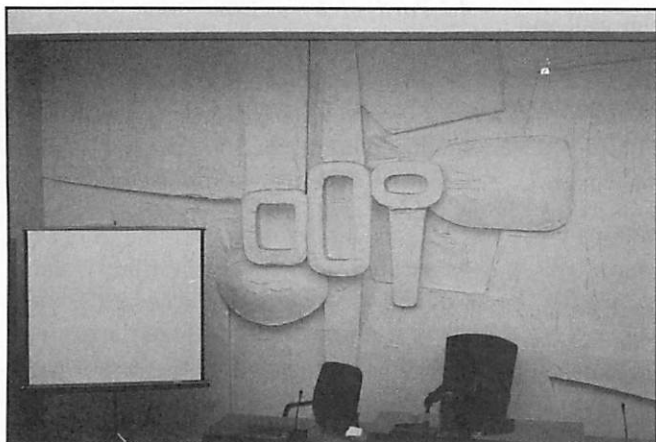
"PreservationWorks! will respond to requests for appraisal from within the Conservancy and from outside... An appraisal should be duly undertaken by the Conservancy where it becomes aware of a significant property that is vulnerable.

PreservationWorks! will appraise built structures, their environment, and places of natural beauty in Ontario. A structure will be appraised for its architectural significance, physical condition and its role, if any, as part of a group of structures, a streetscape, a larger area, or its place in history.

An appraisal will be general rather than exhaustive. A brief written report will be made which may include suggested uses for the property, structural modifications and necessary repairs, but detailed recommendations respecting design or structure will not be given."

brary. The municipal offices, fire department and former police station are entered through doors on the north side of the courtyard. The doors themselves are conventional modern doors with extruded aluminum framings. The east and west sides of the courtyard, comprise primarily the large apertures open to the parking lot and street respectively.

The principal vertical element of circulation is the large, formal stair to the Council Chambers, entered via the two-storey vestibule in the southwest corner of the courtyard. (Stair and chamber are described in further detail in section 4.2.) An upper landing affords access to the upper level of the chambers, and the adjacent press gallery, while a small additional flight of stairs leads to the actual second floor. The chamber itself is a two-storey space with ramped, built-in seating, and rises to a three-storey space at the north end, where the ceiling accommodates the large north-facing window.



North wall of Council Chamber; sculpture by Bruce Watson.

Photo: Nicholas Holman

The main stairs bring one ultimately to the southwest corner of the peripheral, upper-level corridor around the courtyard. This affords good views into the court on all sides, whether through the tall narrow windows in the north wall or the larger windows in the other three sides.

4.2 Building Materials – Walls, stairs, flooring, millwork and fittings

The exterior cladding material extends into the interior in two specific places, effecting an integration of outside and inside.

These two spaces are both on the south side and are, significantly, the stair to the Council Chambers and the entry to the library. Interior wall finishes elsewhere are typically simple painted drywall, with the particular exception of the sculpture within the north wall of the Council Chambers, under the great window.

The north wall of the Council Chamber contains another work by Bruce Watson. This abstract and untitled work is no longer painted the original colour (i.e. white) but is otherwise unchanged since its execution at the time of completion of the centre.

The formal stair to the Council Chamber, and the lobby floor, are both executed in terrazzo. From the first landing, the stair is enclosed by means of a low, pre-cast clad wall with broad, plain varnished wooden rail set on painted metal rods over a plain wooden coping. A painted metal door at the lower level seems a later alteration, leading to mechanical components under

the sloping floor of the chamber. This door now provides the barrier-free route to the chambers.

Aside from the terrazzo just described, flooring materials throughout the complex are vinyl or linoleum tiles. These are generally simple and unornamented, with the exception of the coloured squares within the library entry, which are of unknown date.

Millwork in the building also appears to be of later origin, with the exception

of the central desk and counters within the library, which, although somewhat altered, appear to be original to the building. Aside from this element, there are also a number of varnished, flush-ply doors (in birch), with round brass knobs, which also seem original.

The Council Chamber contains a number of original elements, including the integral, carpeted benches, the simple, melamine-clad councilors' and mayor's desks, with their chromed feet, and the bell (from the

eighth HMS Ajax), which is rung at the commencement of council sessions.

With the exception of the items specifically cited above, the interior elements of the building are unremarkable.

4.3 Alterations and Condition

Unlike the exterior of the building, the interior has less that is of value and more that appears to have been altered. The removal of the police station and the expansion of the fire department, within altered and expanded premises (the former garage is now part of these offices), have also necessitated significant changes within the building. It should be investigated from original drawings whether the steel door within the main stairwell is original as this seems out of place. Also the current barrier-free access route to the Council Chamber, to which this leads, is less than ideal.

The condition of the building interior is very good. Within the chambers, a later railing has been installed down the middle aisle of the central stairs and this is noticeably out of keeping with the original fittings. Also, the melamine is failing on some of the desks, and the ceiling apparently has a tendency to leak at the base of the pitched, shingled roof above. A similar leak apparently exists at the base of the northeast tower also.

4.4 Interior Summary

Unlike the exterior, the interior of the Ajax Civic Centre is not so distinctive, yet there are a number of important interior features and finishes. Most important among these are the areas where the exterior masonry cladding extends into the interior – namely at the entrance to the library and at the walls below the main stair to the chambers. The main staircase itself with its terrazzo floor is also an important original element, as is the circulation corridor, and the various types of fenestration around the courtyard at the upper level.

5.0 Conclusion

The Ajax Civic Centre and adjacent Post Office are a distinctive and unique presence on Harwood Avenue south in the Town of Ajax.

The original design concept, one that pays

tribute to Alto's work of circa 1950 at Säynätsälo, is clearly intact, with only minor alterations as noted in the two summary sections above. The original concept and exterior materials are intact, as are the primary interior concept and materials. The integral sculptural elements, both outside and inside, also remain essentially undisturbed.

The Ajax Civic Centre is an important work of architecture by an internationally known, German-born, Canadian architect, Eberhard Zeidler.

As a municipal complex commissioned for a modern, planned community, the centre typifies the development of post-war, suburban Canada.

And in this specific instance of the Town of Ajax, a town which grew out of the Canadian war effort, the designing of these buildings by Eb Zeidler, then of Craig, Zeidler and Strong Architects, may be taken as indicative of the open-minded attitude prevailing in Canada at the time of the Centennial year and, one hopes, continuing to this day.

For all of these various reasons I recommend that the original fabric of the Ajax Civic Centre and the Post Office be designated under Part IV of the Ontario Heritage Act. They are an important component of our collective heritage, architecturally, physically and, equally importantly, as a testimony to Canadian ideals.

A Grand Success – a Celebration of Human Heritage

*The Grand River celebrates its
10th Anniversary as a
Canadian Heritage River*

Jean Haalboom

The Grand River's 290-kilometre stretch makes it the longest inland river in southern Ontario. Gurgling forth from a spring in the north near



Freeport Bridge over the Grand River.
Photos courtesy the Region of Waterloo

Dundalk, the Grand trickles and tumbles along through Grand Valley, cuts through limestone cliffs near Fergus and Elora, wends its way past Waterloo, Kitchener and Cambridge, runs deeper and wider through Brantford, Six Nations, Caledonia, Cayuga and Dunnville, and finally empties into Lake Erie. Feeding into the Grand River are its powerful 627 kilometres of tributaries – the Conestogo, Eramosa, Speed and Nith Rivers.

In 1994 the Canadian Heritage Rivers Board declared the Grand River, including its four major tributaries, a Canadian Heritage River. The river flows through densely populated urban areas and the designation was the first of its kind in a highly settled part of Canada. Designation was based on outstanding river-related human heritage and recreational values of national significance.

To achieve designation, the Canadian Heritage Rivers Board required a management plan. To develop this plan, which became known as "The Grand Strategy," municipal, heritage, water quality and recreational groups met to discuss how partnerships for the river's stewardship could evolve. A culmination of seven years of discussion, the plan was based on a common vision, principles and goals of watershed resi-

dents.

The Grand Strategy provides a collaborative framework for managing important values and actions strengthening knowledge, stewardship and enjoyment of the heritage and recreational resources of the Grand River watershed. In September 2000, the Grand River Conservation Authority was awarded the international Theiss Riverprize, the world's most prestigious award for excellence in river management.

Up until the early 1990s, many residents turned their backs to the Grand River. The river's designation together with its management plan promoted a change in attitude to the river. Tourism, cultural events and media reports began to focus on the Grand River as a grand place to be – examples include Grand Gatherings, Grand Celebrations, "Grand River Country," and the Grand View-Juried Art Exhibition.

Themes highlighted in the designation reflect the watershed's cultural mosaic since the 1850s, the strong association with Native Peoples, the industrial heritage, famous people such as Homer Watson, Alexander Graham Bell, and Pauline Johnson, as well as the human harnessing of the river.

Today, the Grand River has many fine places for dining and resting, recognized heritage buildings, world-class recreational fishing, tubing, swimming, canoeing, hiking and unsurpassed scenic beauty especially in spring and fall.

To maintain the designation, a 10 year monitoring report is required. "A Decade in the Canadian Heritage Rivers System: A Review of the Grand Strategy" was completed in May 2004 and provides information on landmark restoration, lists of nationally designated historic sites, locations of riverside trails and a summary of new festivals promoting the river system and its heritage.

Of course the river designation does have its challenges – among these is the need to reconcile the conservation of built heritage with the Grand River Conservation Authority's funding and primary mandate for water protection and flow. Since 1994, many efforts on the part of the GRCA's partners have proved successful in preserving and promoting the Grand's heritage. In the next 10 years we look forward to new policies leading to greater protection of its human heritage resources.

For more information about the report, the Grand Registry or Grand Actions, check the website at www.grandriver.ca or contact Barb Veale, GRCA Coordinator for Policy, Planning & Partnerships at bveale@grandriver.ca.

Jean Haalboom is a Councillor for the Regional Municipality of Waterloo and a member of the Grand River Conservation Authority Board of Directors.

Ontario's Historic Places

Implementation of the Historic Places Initiative is Underway in Ontario

The Ontario government is a participant in a new federal, provincial and territorial partnership aimed at developing and implementing a cross-Canada initiative to identify and conserve

historic places.

The *Historic Places Initiative* (www.historicplaces.ca) will help further an appreciation of Ontario's heritage by promoting its historic places and encouraging heritage conservation and rehabilitation efforts.

Key components of the initiative are the *Canadian Register of Historic Places* and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Canadian Register of Historic Places

In Ontario, the Ministry of Culture is responsible for nominating historic places to the *Canadian Register of Historic Places*. To be nominated by the province, a place must be designated for its cultural heritage value or protected by an easement by a local government, held in trust or protected by easement by the Ontario Heritage Foundation, or designated for its archaeological significance by the province. It must also meet eligibility criteria and documentation standards.

The federal government is responsible for nominating National Historic Sites and federally protected or owned heritage properties.

A listing on the *Canadian Register of Historic Places* recognizes and celebrates the importance of a historic place to its community, province or nation. It is an honourific listing and does not place additional controls on the historic place.

Standards and Guidelines for the Conservation of Historic Places in Canada

Standards and Guidelines for the Conservation of Historic Places in Canada will establish accepted conservation principles and practices for projects receiving federal funding (see contact information below for obtaining copies).

Commercial Heritage Properties Incentive Fund

Historic places listed on the Canadian Register may be eligible for the *Commercial Heritage Properties Incentive Fund*, a three-year program with an annual budget

of \$10 million.

The fund will provide financial assistance to revenue-generating properties owned by taxable Canadian Corporations to help cover a portion of the costs associated with conservation work. For approved projects, it will contribute 20% of total eligible costs, up to a maximum of \$1 million.

Administered by Parks Canada, the fund is now accepting applications for the **September 1, 2004 application deadline**.

For More Information

The Ministry of Culture encourages stakeholders to learn more about and participate in the Historic Places Initiative.

If you have questions or comments about listing an Ontario property on the *Canadian Register of Historic Places*, please contact:

Historic Places Initiative Ontario
Ministry of Culture
phone: 416-314-0008
email: historicplaces@mcl.gov.on.ca

To receive or view a copy of the *Standards and Guidelines for the Conservation of Historic Places in Canada*, please contact or visit:

Historic Places Program
Parks Canada
phone: 819-956-9887
email: historicplaces@pc.gc.ca
website: www.historicplaces.ca

For further information on the *Commercial Heritage Properties Incentive Fund*, please contact or visit:

Commercial Heritage Properties
Incentive Fund
Parks Canada
phone: 819-934-2818
email: chpif@pc.gc.ca
website: www.pc.gc.ca



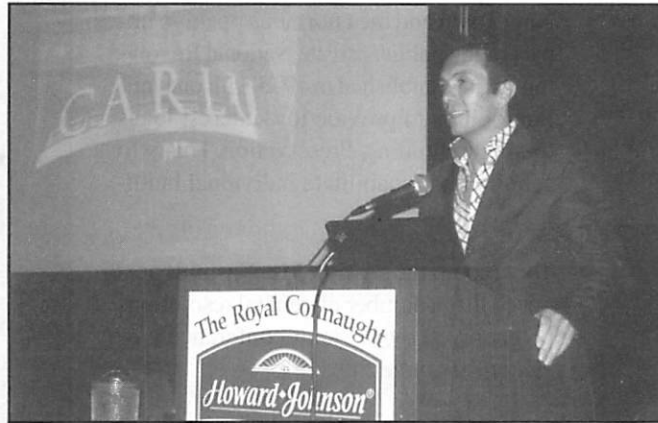
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of property taxes and building permit fees, were offered. Closed and left vacant in July 2000, the building was purchased by Kimshaw Holdings Limited in April 2002. The intent is to convert the building to a mixed commercial/residential use, retaining the original volume of the building and integrity of its structure and design. Mr. Fasken praised the City of Kitchener for its initiative in imposing workable heritage restrictions and providing development incentives with real commercial value.

During the lunch-on-own break ACO Hamilton Region Branch President conducted a brief walking tour around Gore Park, with its magnificent restored fountain, and some of the surviving landmark buildings on the Gore. Chris Borgal and Bob Saunders were escorted along with the speakers to lunch at The Junction Café (corner of King William and Ferguson), one of the successful revitalization projects made possible by the city's incentive program and described in Ron Marini's talk. Originally an 1850s two-family dwelling, the building was purchased by the War Pensioners of Canada in 1941 and had deteriorated into a dingy tavern when purchased by Ron Mattai around 2000 and subsequently transformed into an upscale restaurant (project architect: Ken Coit, McCallum Sather Architects).

Michael McClelland, E.R.A. Architects and **David Jackson**, Cityscape Development Corporation, spoke about the new and very successful Distillery Historic District created on the site of the building complex of the former Gooderham & Worts Distillery in downtown Toronto. Founded in 1832 by James Worts and William Gooderham, the distillery was producing more than two million gallons of whiskey annually by 1871. The business went into decline during the Prohibition era and the distillery finally ceased producing alcohol

in 1990. Apart from acting as the set for several hundred movie productions, the site sat idle until 2001 when it was purchased by Cityscape Development Corporation for an estimated \$15 million and brought back to life as a center for the arts, entertainment and restaurants.



Mark Robert, Managing Partner of *The Carlu*, addresses conference delegates during the Saturday afternoon session.

Photo: Robin McKee

Officially opened in May 2003, the Distillery Historic District claims to contain the largest and best preserved collection of Victorian industrial architecture in North America. An important element of the rehabilitation strategy was to first attract artists who historically initiate the revitaliza-



Jennifer Mossop, Parliamentary Assistant to the Minister of Culture, addresses conference delegates at the beginning of the Plenary Session. Visible from left to right are five of the seven participants: Anthony Tung, Terry Boutilier, Sir James Dunbar-Nasmith, David Jackson, and Michael McClelland.

Photo: Robin McKee

tion of abandoned districts, creating loft studios and opening off-beat galleries in

old warehouses, factories, etc. The challenge as upscale galleries and restaurants followed was to attract and maintain the right mix of unique enterprises that contribute to the overall ambience. Uses and events now include an outdoor farmers' market, music festivals (e.g. Distillery Jazz Festival), outdoor art exhibitions, ateliers, retail stores, a performing arts center and training school, restaurants/cafes and a microbrewery.

Michael McClelland, E.R.A. Architects, Toronto and **Mark Robert**, Managing Partner, The Carlu, presented the challenges of restoring the Art Moderne top floor of the former Eaton's College Street store in Toronto into a new multi-functional venue called The Carlu. The seventh floor had been designed in 1931 by French architect Jacques Carlu to serve as Lady Eaton's "playground" for "high society" events and functions. It included the Round

Room restaurant and one of the top-ranking concert halls in North America. Abandoned by Eaton's in 1973, then sealed off and narrowly escaping demolition, the floor was designated under the Ontario Heritage Act but remained vacant until business partners Mark Robert and Jeffrey Roick saw its tremendous potential several years ago. They seized the opportunity and began raising funds to rehabilitate the space and painstakingly restore all the Art Moderne finishes and detailing of the seventh floor.

The end result (opened in 2003) is an elegant, multi-functional facility for banquets, meetings, AV presentations, fashion shows, and a variety of special events. Mr. Robert stressed the almost insurmountable obstacles that he and his partner faced in financing the project: no credit or business loans provided by any financial institution and all work was paid for on a C.O.D. basis. Now that the restoration work is complete and the value of the property has been substantially increased, the partners are now in the fa-

miliar predicament of facing hefty municipal tax increases.

Anthony Tung expanded on his Friday evening lecture by presenting an illustrated series of case studies of preservation efforts in cities around the world, again reiterating that a "binding law" is needed before the "culture of conservation" can attain its full potential. A prime example is the restored historic district of Charleston, S.C., the first urban area in the U.S. to be protected by a special zoning statute in 1931. It now includes one of the



Members of the Joint Conference Committee attending Saturday's banquet. From left to right: Nina Chapple, Barbara Murray, Donna Reid, Robin McKee, Rob Hamilton, Jean Rosenfeld, Ken Coit. Not present: Paul King, Rick Schofield, Anne Charlton and Ann Gillespie.

Photo: Robin McKee

most desirable and expensive residential neighbourhoods in the country, illustrating how this conservation culture, once seeded, can become self-generating.

At the outset of the Plenary Session, delegates gave a warm welcome to the Parliamentary Assistant to Culture Minister Meilleur, Jennifer Mossop (Liberal MPP for Stoney Creek), well-known locally as former CHCH TV news anchor. She spoke briefly about "the huge public appetite for heritage" (reflected in the success of Doors Open events across the province and country), the proposed strengthening amendments to the Ontario Heritage Act, property tax relief for heritage buildings, and the federally led Historic Places Initiative.

At the Plenary Session chaired by Toronto architect Catherine Nasmith, the day's

speakers were asked to address the question: "How can we foster a culture that will value the adaptive re-use of our heritage resources?" Participating in the panel discussion was Sir James Dunbar-Nasmith from Edinburgh, Scotland, who shared his knowledge of the regenerating effect on the city of preservation of its Georgian New Town and the enormous positive impact of the public/private National Revolving Fund, established in 1975 with one million dollars to provide low-interest loans to small Building Preservation Trusts to acquire and rehabilitate individual buildings.

To wrap up the session Ms. Nasmith proposed that a number of general resolutions be endorsed by the joint conference (*see sidebar on page 5*).

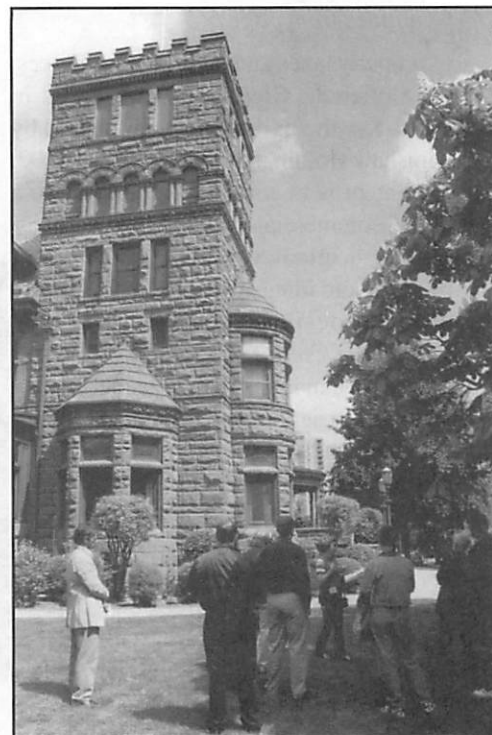
Jennifer Mossop expressed support on behalf of the Ministry of Culture for these resolutions and indicated that she would use them to send a strong message back to Queen's Park about the need for stronger legal tools, better financial incentives, better stewardship of heritage properties at all levels of government, and ongoing government support for community-based initiatives to promote a greater appreciation of our built heritage.

Following a very full and stimulating day of excellent presentations, discussion, and resolutions, conference delegates were allowed to relax in the evening with a buffet banquet in the ballroom followed by a Key Note Address by the Executive Director of the Heritage Canada Foundation, **Brian Anthony**.

Sunday, May 16

The final Sunday morning session back at the Scottish Rite Club began with a light buffet breakfast offered in the Round Room Gallery and ACO Branch Presidents meeting in the elegant dining room. This was followed respectively by the CHO and ACO Annual General Meetings and a joint Show-and-Tell session, shortened by consensus to allow time for Jean Rosenfeld to repeat the informative tour given after the pre-conference workshop on Friday of the Scottish Rite mansion and cathedral.

Two more tours scheduled for the afternoon took place in perfect weather. Re-



Jean Rosenfeld leading a tour of the Scottish Rite property for conference delegates on Sunday morning.

Photo: Robin McKee

tired architect and long-standing ACO member and former LACAC Chair, Anthony Butler, assisted by Ken Coit, led the double-decker bus tour which gave delegates from out-of-town a whirlwind overview of the entire former city of Hamilton encompassing the Royal Botanical Gardens, the historic Durand residential neighbourhood, Gore Park, the industrial east end, Mountain brow and Gage Park.

Rob Hamilton accompanied by Ann Gillespie led a small group on a walking tour of the downtown core, stopping by such historic landmarks as the city-owned house museum, Whitehern, and St. Paul's Presbyterian Church (both National Historic Sites), the former TH&B Station (now the Hamilton GO Centre and bus terminal), former Bank of Montreal, Pigott and Sun Life buildings (office to condo conversion) and the vacant Victoria Hall, with its rare hand-crafted ornamental sheet-metal façade (also a National Historic Site).

What a weekend!!!

Case Law Decided by the Courts under the Ontario Heritage Act

George Rust-D'Eye

Editor's note: This is the second part of a two-part article excerpted from George's January 30, 2004 presentation to the Ontario Bar Association: "Our Built Heritage is Becoming History – A 30-year Retrospective: A Review of Built Heritage Conservation Under the Regime of the Ontario Heritage Act." The first part of the article appeared in the Spring 2004 issue.

(8) *Friends of Eden Mills Inc. v. Eramosa (Township)* (1998), 47 M.P.L.R. (2d) 75 (O.C.J. (Gen. Div.), Divisional Court)

This case, which probably best epitomizes the helplessness often felt by those attempting to preserve their community's heritage, concerned attempts by residents of the Village of Eden Mills to protect from demolition a small bridge known, because of its engineering, as a "bowstring bridge," erected in 1912 and considered the second oldest bridge of the bowstring type in North America. Comprehensive expert reports attested to its significant architectural and historical importance.

The bridge had suffered the ravages of time and in recent years the Township had not undertaken any preventative or remedial work, despite its designation as a heritage property by the Township Council. The bridge was allowed to deteriorate to the point where its load limit was reduced several times, ultimately leading to the closure of the bridge on an emergency basis for safety concerns.

The bridge was a much-celebrated fixture on the Village's main street, in a village in which 40 of the 160 buildings are "19th century heritage-type structures," and the centre of an annual literary festival of significant importance to the local community and the Province generally.

The Township proposed to demolish the bridge and replace it with a replica which

would not be of genuine "bowstring" construction. A number of residents, represented by pro bono counsel (the author of this paper), brought an application for judicial review of the Township's decision to de-designate the bridge under the Act, and to demolish it.

The applicants based their application on the following:

§ the Conservation Review Board, after a full hearing, had recommended that the Township reconsider and withdraw its intent to repeal the original designating by-law;

§ the Township's LACAC had not been adequately consulted, but to the extent that it had been given the opportunity to express its view, had opposed the demolition of the bridge;

§ it was alleged that the Township's resolutions were in breach of the *Planning Act* provision which prevents a municipality from proceeding with a public work or enacting a by-law which does not conform with the official plan, which contained a policy that, where practicable and feasible, those heritage resources which contribute in a significant way to the identity and character of the Township should be maintained;

§ that the bridge should not be demolished until the requirements of the *Environmental Assessment Act* were met requiring at least a Schedule C environmental assessment and, arguably, a full environmental assessment;

§ the municipality had a duty under section 284 of the *Municipal Act* to immediately repair and re-open the Bowstring Bridge;

§ Council had closed its mind to any other course of action than the demolition and replacement of the Bowstring Bridge, and no true or genuine consideration had been given to the restoration of the bowstring as would be befitting of its heritage designation; thus the Council had acted on the basis of bias and without being mindful of the restrictions of the applicable legislation and procedural limitations.

The Court held that the applicable legislation did not give heritage attributes or des-

ignation of the Bowstring Bridge an overriding veto in the sense that this will trump all other concerns relating to the situation which Council may take into consideration, such as safety, regularization of traffic, fiscal balancing and prioritization.

The supporters of the preservation of the bridge had been given considerable opportunity to make their views known to Council.

Where a municipality fails to comply with its obligation to maintain and repair roads, the remedy available is damages, not mandamus to compel it to keep the road, or any bridge on it, in repair, even after it has fallen into disrepair.

The Court held that to compel the municipality to re-open the Bowstring Bridge in its present state, however caused, would be irresponsible and against the public (safety) interest.

An official plan is intended as a general statement of policy relevant to the future development of the Township; its policies are intended as a guide and not to dictate council action. The guidance that the plan provides should be interpreted broadly in light of all relevant circumstances, with a view to furthering its policy objectives.

The official plan did not refer specifically to the Bowstring Bridge. Heritage concerns could be balanced by other policies of the plan dealing with transportation elements, which also must be construed broadly and liberally.

A municipality is not required to follow the recommendations or desires of its LACAC.

Failure to observe certain technical requirements of notice contained in section 300 of the *Municipal Act* and section 31 of the *Ontario Heritage Act* did not render the actions of the municipal council invalid.

Council is not required to adopt the recommendations of the Conservation Review Board, and it has the power to de-designate a property after considering the CRB report, without any further hearing, and its decision in that regard is final.

This undertaking did not require full environmental hearing under section 5 of the

Environmental Assessment Act, nor a class environmental assessment for municipal roads projects. This proposal came within the class of Schedule A projects, limited in scale and having minimal adverse effects, thus not requiring the class EA planning process. Here, the Ministry of the Environment properly denied a full “bump-up” of the project to an individual environmental assessment.

There were not true alternatives to the replacement of the Bowstring requiring a greater analysis, and thus no basis for complaint by the applicants in regards to either the *Environmental Assessment Act* or the class environmental assessment. The Township appeared to have followed proper procedure and relied on reliable advice as to its designation of the Bowstring project as a Class A1 under the CEA.

The Township properly regarded the financial issues involved, said to involve a significantly lower cost for demolition and replacement than for rehabilitation.

While this case was being argued, heavy demolition equipment was being moved to the scene. The judgment was issued late on a Friday afternoon, with no delay of its impact to allow the applicants to consider their rights of appeal. Within a few days, the bridge had been demolished.

(9) *Victoria University v. Huang & Danczkay Ltd.*, [1997] O.J. No. 2577 (O.C.J. (Gen. Div.))

Although this case involved an action by Victoria University against a developer for unpaid rent, it is significant in its reference to the approval of the project by the Ontario Municipal Board, on the condition of the execution of a heritage easement agreement under the *Ontario Heritage Act* pertaining to the historic buildings on the site, “whose facades were incorporated into the architectural plans for the hotel.”

As it turned out, the heritage easement agreement was not entered into between Victoria and the City, which would have been tailored for the specific hotel development that the developers in this case no longer intended to build. It was ultimately established that the objectives of Victoria could be achieved if the City were to agree to the OMB order as to rezoning becom-

ing final, with the stipulation that Victoria would be subject to the terms and conditions of a heritage easement agreement only at the point in time a demolition and building permit is requested.

(10) *Teddington Ltd. v. Wm. Finkle Machine Ltd.*, [2000] O.J. No. 387 (O.S.C.J.)

This case dealt with a failed attempt at façadism. Teddington acquired the Cableview building and the Queen’s Hotel in the City of Belleville for development purposes. As a condition of the development, Teddington was required to enter into an easement agreement with the City in accordance with the *Ontario Heritage Act*, with the objective of preserving the historic front façade of the Cableview building. Teddington was required by the agreement to re-build the façade if it was damaged in the process of development. The remainder of both the Cableview building and the Queen’s Hotel were to be demolished as part of the development.

Within a month of the commencement of demolition, part of the roof, the third floor and the second floor of the Cableview building collapsed, apparently triggered by the failure of the carriageway wall.

The Court held that the partial collapse of the building was caused by a number of factors, including the poor structural condition of the building known to all parties, the delay in providing a support system for this façade at an earlier date, and various impacts on the building caused during the demolition process.

(11) *Tremblay et al. v. The Corporation of the Town of Lakeshore et al.*, [2003] O.J. No. 4292 (O.S.C.J.) (see also decision to stay demolition until the application had been heard and decided, [2002] O.T.C. 895)

In this recent and significant case, the Divisional Court granted an application for judicial review of a decision of the Town Council dismissing an application to designate a significant church in the Village of Joachim, where the Town had refused the request on the basis that it was a precondition of any heritage designation that the owner of the property consent to it.

The building in question was described as “an important symbol of the spiritual and

cultural life of the local French-speaking community” in the Village.

The Court held that the decision to designate a property under the *Ontario Heritage Act* is discretionary. However, the discretion must be exercised within the boundaries imposed in the statute, the principles of the rule of law, the principles of administrative law, the fundamental values of the Canadian society, and the principles of the Charter. The immediate case could be determined on traditional administrative law principles. The standard of review of *intra vires* municipal action is one of patent unreasonableness. In requiring the consent of the owner as a precondition to designation, the Town imposed a condition contrary to the intent of the Act and placed an unreasonable obstacle on its own discretionary powers, thereby fettering its discretion and aborting the process intended by the Act. It was patently unreasonable to impose this condition, and accordingly, the application for judicial review should be granted.

“The *Ontario Heritage Act*, proclaimed in 1975, was Ontario’s response to a worldwide effort at preserving for future generations works which have acquired cultural significance. ...

The purpose of the Act is to provide for the conservation, protection and preservation of the heritage of Ontario. In order to protect the heritage of Ontario, municipalities have been given the power to designate the properties of their choice and thus to suspend certain private property rights. Those provisions of the Act must be applied in such a way as to ensure the attainment of the legislature’s objectives. ...

The Town imposed a condition contrary to the intent of the legislation. By imposing a condition on the application that was not provided for at law, the Town aborted the decision-making process. The owner’s consent is not a pre-condition. Indeed, one can think of a variety of situations where the owner would not want the heritage designation. ...

The very purpose of the Act must be to balance the interests of the public, community and the owner. This balancing would not be necessary if the owner’s consent were a precondition.”



Ruined railway viaduct across the Grand River north of Paris, Ontario

Photo: Dan Schneider

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